

U.S. Department  
of Transportation

United States  
Coast Guard



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16703/16711/OSV  
12 January 1999

From: Commander, Eighth Coast Guard District  
To: Distribution

Subj: FORWARDING OF COMMANDANT DENIAL OF NORTH AMERICAN  
SHIPBUILDING APPEAL OF 33 CFR 164 REQUIREMENTS

1. Enclosure (1) is forwarded for your information and use. Direct questions on this matter to LCDR Bill Daughdrill at (504) 589-6193.

  
M. J. BROWN  
By direction

Encl: (1) COMDT (G-MOC) ltr 16711/OSV-L of 17 December 98

Dist: All Eighth District MSOs, MSU and MSDs  
DWRO



16711/OSV-L

DEC 17 1998

Mr. Gary Rook  
North American Shipbuilding.  
800 Industrial Park Road  
P.O. Drawer 580  
Larose, LA 70373

Dear Mr. Rook:

Your May 29, 1998 appeal to the Officer-in-Charge, Marine Inspection, Morgan City's requirement to install navigation safety equipment in accordance with Title 33, Code of Federal Regulations, Part 164 [33 CFR 164] on several Offshore Supply Vessels (OSV) constructed, or under construction, at your facility is denied. These vessels were constructed to the standards found in 46 CFR Subchapter L and were admeasured using convention measurements as required by Title 46, United States Code, Chapter 143 [46 USC 143]. 46 USC 143305(b) specifically prohibits the owner of a vessel from requesting the use of optional regulatory measurements for some laws listed under §14305(a) and convention measurements for others. The regulations found in 33 CFR 164 were issued under the authority of the Ports and Waterways Safety Act [33 USC 1223(a)(3)], which is listed under §14305(a)(4).

Before discussing each of the specific requirements you appealed, it is important to note that the governing regulations for this equipment do not allow for exemption or waiver of the requirements. A Captain of the Port (COTP) may grant a deviation to the requirements under the authority of 33 CFR 164.55, however, the deviation is limited to those waters over which he or she has jurisdiction. Request for deviations across COTP zones should be coordinated through the Eighth Coast Guard District Commander. Each of the appealed requirements is addressed below:

1. 33 CFR 164.35 (d) and (e) - *Gyrocompass and associated equipment*. This requirement is intended for installation aboard vessels that venture farther from land and are capable of extended at-sea periods, in much the way that larger OSVs will be serving the new deepwater rigs. During our meeting on July 12, 1998, you stated that these vessels were fitted with an electronic fluxgate compass in lieu of a gyrocompass and that this arrangement should be considered equivalent to a gyrocompass. The advantages of a fluxgate compass are its cost advantage relative to a gyrocompass coupled with its ability to provide a digital readout of its heading to other electronic equipment forming an integrated electronic navigation suite. An electronic fluxgate compass cannot be considered equivalent to a gyrocompass because it does not have the reliability or consistency of a gyrocompass. An electronic fluxgate compass must be corrected for variation as the vessel changes its operating area, and it can be unstable in rough seas. More importantly, it is susceptible to changes in the magnetic

## Subj: NORTH AMERICAN SHIPBUILDING APPEAL

signature of the vessel. Given the large deck cargo capacity of these OSVs, a load of drill pipe or equipment could significantly influence the fluxgate compass readings. Such deviations could negatively impact a vessel's navigational ability. When open ocean navigating, even when using an integrated electronic navigation suite, a consistent, reliable compass heading is vital to vessel safety. These vessels must be fitted with reliable gyrocompasses and their associated equipment. Your appeal on this requirement is denied.

2. 33 CFR 164.35 (g) - *Maneuvering Information in the Wheelhouse*. You implied in your appeal that this requirement is in some way tied to the vessel's maneuverability. This is not the case. This requirement dovetails with the requirement for a licensed pilot to be on board vessels greater than 1600 gross tons while they transit pilotage waters [see discussion below]. The Standards for Training, Certification & Watchkeeping (STCW) mirrors this requirement as it requires the master and pilot to exchange information regarding navigational procedures, local conditions and the ship's handling characteristics. Additionally, the International Maritime Organization's Resolution A.601(15) sets forth the criteria for information which must be provided to the pilot. Accordingly, we will tie this requirement to your company's operations. If you ensure that a master or mate, with an appropriate pilotage endorsement, is on board these vessels whenever pilotage waters are transited, then the local COTP may grant deviations from this requirement. Otherwise, maneuvering characteristics must be on board the vessels as required by the regulations. In addition, these maneuvering characteristics must be on board the vessels should they engage in international voyages.
3. 33 CFR 165.35 (i) - *Continuous Depth Recording Device*. The requirement for a continuous depth-recording device exists, as do all the other navigation equipment requirements, in order to reduce the possibility of collision, grounding, or other accidents. The requirement serves to provide the individual in charge of the navigational watch with a graphic depiction of the trend line of the water's depth instead of an isolated depth reading. The intent is to alert the mariner that he or she may be standing into danger. If the vessel's echo depth sounder, which is required by 33 CFR 164.55(h), has a graphic display of the water's depth equivalent to a continuous depth recording device, then this will be considered equivalent to a continuous depth recording device and the local COTP may grant a deviation from this requirement.

You are reminded that all vessels greater than 1600 gross tons are required to have a licensed pilot on board while they transit through pilotage waters. The Commander, Eighth Coast Guard District (m) maintains a list of Federal pilotage waters in the Gulf of Mexico from Florida to the Texas-Mexico border. For U.S. flag vessels on coastwise trade or on registry, this requirement can be met by either employing Coast Guard licensed federal pilots or having the vessel's master or one of the vessel's mates obtain a pilotage endorsement on their Coast Guard license for the pilotage waters being transited.

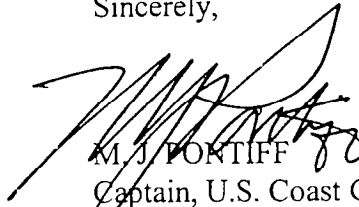
DEC 17

Subj: NORTH AMERICAN SHIPBUILDING APPEAL

Should you have any questions regarding this letter, please contact LT James Robertson at (202) 267-0496.

This decision constitutes final agency action on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. J. Pontiff', is written over the typed name.

M. J. PONTIFF  
Captain, U.S. Coast Guard  
Chief, Office of Compliance  
By direction of the Commandant

Copy: Edison Chouest Offshore  
Offshore Marine Service Association  
G-MSO  
G-MSE  
G-LMI  
Marine Safety Center  
CCGD8(m)  
MSO Morgan City  
MSO Mobile